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**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

2:25-sw-0317 AC

IN THE MATTER OF THE
ADMINISTRATIVE INSPECTION OF UC
DAVIS REHABILITATION HOSPITAL -
SACRAMENTO SIERRA REHABILITATION
HOSPITAL, LLC:

**APPLICATION FOR ADMINISTRATIVE
INSPECTION WARRANT UNDER THE
CONTROLLED SUBSTANCES ACT,
21 U.S.C. § 880**

The Court should authorize an administrative inspection warrant of UC Davis Rehabilitation Hospital – Sacramento Sierra Rehabilitation Hospital, LLC. The Controlled Substances Act requires manufacturers or distributors of controlled substances to register with the Drug Enforcement Administration. 21 U.S.C. § 822. “The statutory scheme envisioned by the Act is one of control through record keeping.” *United States v. Greenberg*, 334 F. Supp. 364, 366 (W.D. Pa. 1971). “Any person who desires to shoulder the responsibility of engaging in the manufacture or distribution of these products ... [is subject] to the regulatory system laid down by the 1970 Act.” *Id.* at 366–67.

To ensure compliance with the Act and its implementing regulations, the DEA is authorized to conduct inspections of a registrant’s premises. 21 U.S.C. § 880(b). Upon a showing of probable cause, a United States Magistrate Judge may issue a warrant for the purpose of conducting an administrative inspection. 21 U.S.C. § 880(d). “Probable cause” is defined by the Act as “a valid public interest in the effective enforcement of [the Act].” 21 U.S.C. § 880(d)(1). “Probable cause” in the traditional criminal law sense is not required to support the issuance of an administrative warrant. *Marshall v. Barlow’s Inc.*,

1 436 U.S. 307, 320 (1978). Rather, the fact that a registrant has never completed an inspection to ensure
2 compliance with compulsory record-keeping requirements alone justifies an administrative warrant. *See*
3 *United States v. Prendergast*, 585 F.2d 69, 70 (3rd Cir. 1978).

4 Probable cause exists here. As described in the attached affidavit, UC Davis Rehabilitation
5 Hospital – Sacramento Sierra Rehabilitation Hospital, LLC., is a registrant under the Act, with a
6 registered address provided at 4875 Broadway, Sacramento, California 95820. Although DEA
7 commenced an inspection and audit of UC Davis Rehabilitation Hospital – Sacramento Sierra
8 Rehabilitation Hospital, LLC. on April 7 - 8, 2025, DEA was unable to complete the compliance
9 inspection. Consistent with 21 U.S.C. §§ 880(b)(3)(A) and (B), the DEA should be permitted to inspect
10 UC Davis Rehabilitation Hospital – Sacramento Sierra Rehabilitation Hospital, LLC’s registered
11 location for (1) records required to be kept under the Act, and (2) materials appropriate for either the
12 “verification of those records” or “otherwise bearing on compliance” with the Act.

13 The undersigned Investigator has not identified UC Davis Rehabilitation Hospital – Sacramento
14 Sierra Rehabilitation Hospital, LLC., 4875 Broadway, Sacramento, California 95820, as being held out
15 as a substance abuse program for purposes of the 42 U.S.C. § 290dd-2 and 42 C.F.R. Part 2, which
16 address the confidentiality of substance abuse treatment records. As a result, based on the Investigator’s
17 inquiry, these provisions do not appear to apply to the inspection of UC Davis Rehabilitation Hospital –
18 Sacramento Sierra Rehabilitation Hospital, LLC., 4875 Broadway, Sacramento, California 95820.
19 Nonetheless, inspection will be consistent with 42 C.F.R. § 2.53(a) and (b), which authorize audit and
20 evaluation by federal government agencies authorized by law to regulate the activities of Part 2
21 programs. In addition, these circumstances present “good cause” for purposes of 42 U.S.C. § 290dd-
22 2(b)(2)(C).

23 Therefore, the United States respectfully requests that the Court issue an Administrative
24 Inspection Warrant pursuant to the Controlled Substances Act, 21 U.S.C. § 880(d), for the inspection
25 and search of UC Davis Rehabilitation Hospital – Sacramento Sierra Rehabilitation Hospital, LLC’s
26 controlled premises:

27 UC Davis Rehabilitation Hospital – Sacramento Sierra Rehabilitation Hospital, LLC.
28 DEA #FU2691182
4875 Broadway
Sacramento, California 95820

1 (279) 224-6000

2 This Application for an Administrative Inspection Warrant is based upon the attached Affidavit.

3
4 Dated: April 9, 2025

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6 MICHELE BECKWITH
Acting United States Attorney

7
8 By: /s/ Tara Amin
Tara Amin
9 Assistant United States Attorney

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DAVIS REHABILITATION HOSPITAL –
SACRAMENTO SIERRA REHABILITATION
HOSPITAL, LLC.

UC Davis Rehabilitation Hospital – Sacramento
Sierra Rehabilitation Hospital, LLC – 4875
Broadway, Sacramento, California 95820

**AFFIDAVIT FOR APPLICATION FOR
ADMINISTRATIVE INSPECTION WARRANT
UNDER THE CONTROLLED SUBSTANCES
ACT, 21 U.S.C. § 880(d)**

Investigator: Zachariah Lee

The undersigned, Zachariah Lee, being duly sworn, declares:

1. I am a Diversion Investigator with the Drug Enforcement Administration (“DEA”), United States Department of Justice, assigned to the Sacramento California District Office. As such, I am charged with the duty of enforcing the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. § 801, *et seq.* (the “CSA” or the “Act”) and other duties imposed by law.

2. DEA hired me in September 2023. I have received training in the manufacturing, distribution, and dispensation of pharmaceutical controlled substances, and the corresponding records and inventories that are required to be kept pursuant to the CSA.

3. Pursuant to 21 U.S.C. §§ 878(a)(2), 880(b)(1), (2), and (3), I have authority to execute Administrative Inspection Warrants, to execute and serve administrative inspection warrants issued under the authority of the United States, and to inspect the controlled premises of persons and firms

1 registered under the CSA. The inspections allow DEA Personnel to verify the correctness of all records,
2 reports and other documents the CSA requires a registrant to make and keep. Specifically, the Act
3 authorizes the DEA to conduct administrative inspections to: (1) inspect records, reports and other
4 documents required to be kept or made under the Act; and (2) inspect the controlled premises, all
5 pertinent equipment, drugs, and other substances or materials, containers, and labeling found therein
6 (including records, files, papers, processes, controls, and facilities) appropriate for verification of the
7 records, reports, and documents, or otherwise bearing on the provisions of the Act; and (3) inventory the
8 stock of any controlled substance and obtain samples of such substances. 21 U.S.C. § 880(b)(3).¹

9 4. UC Davis Rehabilitation Hospital – Sacramento Sierra Rehabilitation Hospital, LLC., is
10 registered under the CSA and has been assigned DEA Registration Number FU2691182 in controlled
11 substances Schedules II - V. This registrant conducts business as UC Davis Rehabilitation Hospital –
12 Sacramento Sierra Rehabilitation Hospital, LLC., at 4875 Broadway, Sacramento, California 95820.

13 5. UC Davis Rehabilitation Hospital – Sacramento Sierra Rehabilitation Hospital, LLC,
14 4878 Broadway, Sacramento, California 95820 is a controlled premise within the meaning of 21 U.S.C.
15 § 880(a)(1) and (2) and 21 C.F.R. § 1316.02(c)(1) and (2). As such, UC Davis Rehabilitation Hospital –
16 Sacramento Sierra Rehabilitation Hospital, LLC., is required to keep complete and accurate records of
17 all controlled substances received, sold, delivered or otherwise disposed at this location. 21 U.S.C.
18 § 827 and 21 C.F.R. § 1304.01, *et seq.* The inspection of the controlled premises is designed to ensure
19 UC Davis Rehabilitation Hospital – Sacramento Sierra Rehabilitation Hospital, LLC ‘s compliance with
20 the CSA and its regulations.

21 6. I have examined the DEA’s files, records, and other databases, and determined the DEA
22 has not completed a routine scheduled inspection and audit of UC Davis Rehabilitation Hospital –
23 Sacramento Sierra Rehabilitation Hospital, LLC., 4878 Broadway, Sacramento, California 95820.

24 7. I have received information from a Source of Information that UC Davis Rehabilitation
25 Hospital – Sacramento Sierra Rehabilitation Hospital, LLC was not keeping complete and accurate
26

27 ¹ The Act provides for the inspection of items such as records, files, and papers, the maintenance
28 of which is not required under the Act, but such inspection is appropriate for the verification of the
requirements of the Act. 21 U.S.C. § 880(b)(3)(a). The Act does not specifically provide for the copying
of such items.

1 controlled substance records and that UC Davis Rehabilitation Hospital – Sacramento Sierra
2 Rehabilitation Hospital, LLC. was not adequately providing effective controls against the theft and
3 diversion of controlled substances. On April 7, 2025, I commenced a DEA-82 compliance inspection
4 and audit of UC Davis Rehabilitation Hospital – Sacramento Sierra Rehabilitation Hospital, LLC., 4878
5 Broadway, Sacramento, California 95820. The facility did not provide all the requested records, and the
6 hospital CEO asked DEA to pause the inspection and audit. I explained the rest of the inspection and
7 audit process to the CEO and scheduled to start the physical inventory on April 8. On April 8, I
8 commenced the physical audit, but I was unable to complete it because the CEO informed me that no
9 pharmacists were available to give DEA access to the pharmacy vault and could not provide a definitive
10 date to complete the audit.

11 8. An analysis of DEA databases identified UC Davis Rehabilitation Hospital – Sacramento
12 Sierra Rehabilitation Hospital, LLC., as a Hospital/Clinic and authorized to handle controlled substances
13 in Schedules II – V.

14 9. I have reviewed the necessary DATA waiver database and confirmed that UC Davis
15 Rehabilitation Hospital – Sacramento Sierra Rehabilitation Hospital, LLC., does not conduct substance
16 abuse treatment.

17 10. Given these facts I believe the requested inspection will help protect the public health
18 safety and advance the DEA's public interest in enforcing the Act's oversight provisions.

19 11. The DEA needs to review UC Davis Rehabilitation Hospital – Sacramento Sierra
20 Rehabilitation Hospital, LLC's containers, and labeling, records, files, papers, processes, controls and
21 facilities appropriate for the verification of compliance with the CSA. These records and materials to be
22 reviewed include, but are not limited to, (i) written and electronic correspondence regarding
23 maintenance of inventories, theft or loss reports, communications related to UC Davis Rehabilitation
24 Hospital – Sacramento Sierra Rehabilitation Hospital, LLC's compliance with the CSA, (ii) written
25 policies, procedures and training regarding maintenance of inventories, perpetual inventories, biennial
26 inventories, and (iii) internal audits and manuals or written material describing computer programs or
27 other procedures UC Davis Rehabilitation Hospital – Sacramento Sierra Rehabilitation Hospital, LLC.,
28 uses to maintain inventories of controlled substances appropriate for the verification of the records,

1 reports, and documents required by the CSA.


2 12. I will be accompanied by one or more Investigators during the inspection who are
3 employees of the Attorney General authorized to conduct administrative inspections and one or more
4 DEA Special Agents. A return will be made to the on-duty Magistrate Judge upon the inspection's
5 completion.

6 13. I have personal knowledge of the facts stated herein, and state they are true to the best of
7 my knowledge.

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9
10 DATED: April 9, 2025

11 By: **ZACHARIAH LEE** Digitally signed by ZACHARIAH LEE
Date: 2025.04.09 13:38:36 -07'00'
12 ZACHARIAH LEE
13 Diversion Investigator
Drug Enforcement Administration

14 Sworn to before me and subscribed
15 In Sacramento, California
16 On this 9th day of April, 2025

17 
18 **ALLISON CLAIRE**
19 **UNITED STATES MAGISTRATE JUDGE**

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IN THE MATTER OF THE
ADMINISTRATIVE INSPECTION OF UC
DAVIS REHABILITATION HOSPITAL –
SACRAMENTO SIERRA REHABILITATION
HOSPITAL, LLC:

WARRANT FOR INSPECTION

TO: DIVERSION INVESTIGATOR ZACHARIAH LEE AND ANY OTHER DULY
AUTHORIZED INVESTIGATOR OR AGENT OF THE DRUG ENFORCEMENT
ADMINISTRATION (DEA), UNITED STATES DEPARTMENT OF JUSTICE.

Application having been made and probable cause as defined by 21 U.S.C. § 880(d) having been shown by the affidavit of DEA Diversion Investigator Zachariah Lee for an inspection of the controlled premises of UC Davis Rehabilitation Hospital – Sacramento Sierra Rehabilitation Hospital, LLC., located at 4875 Broadway, Sacramento, California 95820 and it appearing that such inspection is appropriate pursuant to 21 U.S.C. § 880(d), you are hereby authorized to:

1. Pursuant to 21 U.S.C. § 880(b)(3)(A), enter the above-described premises during normal business hours and inspect and copy all records, reports, and other documents required to be kept under this subchapter; and
2. Pursuant 21 U.S.C. § 880(b)(3)(B), inspect within reasonable limits and in a reasonable manner the controlled premises, and all pertinent equipment, drugs, containers, and labeling, and all other things therein, including records, files and papers, processes,

controls, and facilities appropriate for the verification of UC Davis Rehabilitation Hospital – Sacramento Sierra Rehabilitation Hospital, LLC’s compliance with the Controlled Substances Act; and

3. Pursuant to 21 U.S.C. § 880(b)(3)(A), you are hereby authorized to inspect and copy (with respect to electronic or hard-copy records) the following from the above-described controlled substance premises:
 - a. All physical inventories (perpetual and biennial) of controlled substances;
 - b. Ordered material drug list of supplies;
 - c. Records of controlled substance transfers, purchases and distribution, including receipt and return records;
 - d. All records which refer to or are related to the dispensation, administration or distribution of controlled substances;
 - e. Any and all copies of the Registrant’s inventory of drugs surrendered (DEA Form 41); and
 - f. Reports of Theft or Loss of Controlled Substances (DEA Form 106).

Such authorization extends to the downloading or copying of any computerized or electronically stored records of controlled substances inventories, stocks, and dispensation records and any computerized or electronically stored information involving the verification of records, reports and documents required to be kept under the CSA.

4. Pursuant to 21 U.S.C. § 880(b)(3)(B), for the purpose of verifying the records required to be kept under 21 U.S.C. § 880(b)(3)(A) and for ensuring compliance with the provisions of the CSA, you are hereby authorized to inspect and copy (with respect to electronic and hard-copy records) the following from the above-described controlled substance premises:
 - a. Audits or other internal reports or memoranda generated for the purpose of maintaining accurate records and inventories of controlled substances;
 - b. Communications regarding maintenance of inventories, theft or loss reports;
 - c. Policies and communications regarding UC Davis Rehabilitation Hospital –

1 Sacramento Sierra Rehabilitation Hospital, LLC's efforts to comply with the
2 Controlled Substances Act;

3 d. Copies of training material and procedures regarding maintenance of inventory
4 records;

5 e. Copies of training material and procedures regarding the performance of internal
6 audits;

7 f. Copies of manuals, or other material describing computer programs or other
8 procedures used by UC Davis Rehabilitation Hospital – Sacramento Sierra
9 Rehabilitation Hospital, LLC., to maintain inventories and for the prescribing and
10 dispensing of controlled substances;

11 g. Communications to/from UC Davis Rehabilitation Hospital – Sacramento Sierra
12 Rehabilitation Hospital, LLC's employees or agents to federal or state authorities,
13 related to loss, theft of controlled substances, maintaining inventories of
14 controlled substances, and/or compliance with the Controlled Substances Act;

15 h. Policies and communications regarding suspicious orders and/or dispensing and
16 prescriptions being issued outside the usual course of professional practice;

17 i. Communications to/from UC Davis Rehabilitation Hospital – Sacramento Sierra
18 Rehabilitation Hospital, LLC's employees or agents relating to suspicious orders
19 and/or dispensing controlled substances and controlled substance prescriptions
20 being issued outside the usual course of professional practice; and

21 j. Copies of policies and communications for establishing and verifying any
22 distributions and/or transferring of controlled substances.

23 5. Pursuant to 21 U.S.C. § 880(b)(3)(C), you are further authorized to inventory any stock
24 of any controlled substance and obtain samples of any such substance. The inspection
25 will extend to the inspection and copying of inventories, records, reports, order forms,
26 invoices, and other documents required to be kept and the inspection of all other things
27 therein including records, files, and papers appropriate for the verification of the records,
28 reports, and documents required to be kept under the CSA. The inspection will also


1 extend to the inspection and inventory of stocks of controlled substances, finished or
2 unfinished substances and pertinent equipment associated with the storage and handling
3 of controlled substances.

4 Any original documents removed from the premises by DEA under the authority of this warrant
5 shall be copied and returned within six (6) days of removal. UC Davis Rehabilitation Hospital –
6 Sacramento Sierra Rehabilitation Hospital, LLC., shall be provided with a written inventory of any such
7 records removed for the purpose of copying.

8 The undersigned DEA Diversion Investigator (and whoever is assisting) is consistent with 42
9 C.F.R. § 2.53(a) and (b), providing written assurance that the undersigned DEA Diversion Investigator
10 (and whoever is assisting) will not disclose patient identifying information (PII), except back to the
11 program from which it was used. Furthermore, DEA Diversion Investigators (and whoever is assisting)
12 will only use the PII as necessary to carry out the audit or evaluation purposes as authorized.

13 Not later than ten (10) days from the issuance of this warrant, return shall be made by the
14 inspecting officer(s) to the on-duty United States Magistrate Judge showing that the inspection has been
15 completed and an accounting for all property seized conducted pursuant to this warrant.

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18 DATED: April 9, 2025

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20 ALLISON CLAIRE
21 UNITED STATES MAGISTRATE JUDGE
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